

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

IN RE:

BKY 04-33000 DDO

*James J. Jacobs and
Lisa R. Jacobs,*

Debtors.

Chapter 13

TRUSTEE'S RESPONSE TO FEE
APPLICATION BY ATTORNEY
FOR DEBTORS

TO: All parties in interest pursuant to Local Rule 9013-3:

1. Jasmine Z. Keller, the standing Chapter 13 Trustee (the "Trustee"), by her undersigned attorney, submits this response to the Notice of Hearing and Application for Compensation by Attorney for Debtor (the "Application").

2. The Court will hold a hearing on the Application on September 22, 2004, at 1:45 p.m., or as soon thereafter as counsel can be heard, in Courtroom 228A, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

3. As of September 13, 2004, the Trustee has received \$1,500 from the above-named Debtors. The Debtors are current in their payments to the Trustee in the sum of \$1,500 through the month of August 2004.

4. The Trustee has held funds in the amount of \$1,500, and has funds available in the amount of \$500 as of September 13, 2004.

5. The compensation requested in the Application does exceed the amount estimated in ¶ 3 of the Debtors' confirmed Chapter 13 plan. Counsel has supplied the Court with disclosure of amounts paid by the Debtors.

6. Applicant's hourly rate is reasonable for an attorney with his level of experience. The Trustee notes that it was necessary for counsel for the Debtors to resolve issues regarding the Debtors' valuation of a motor vehicle, to amend Schedule C, and to modify the Plan to meet the "best interest" test pursuant to 11 U.S.C. § 1325(a)(4). Taking those factors into account, the time spent on this case was reasonably necessary for the proper representation of the Debtors in this proceeding.

7. The Trustee's Counsel has reviewed the Application and the request for allowance of fees and expenses. The Trustee **does not oppose the Court's granting the relief requested.**

September 13, 2004

Respectfully submitted,

/e/ Margaret H. Culp
Thomas E. Johnson, #52000
Margaret H. Culp, # 180609
Counsel to Chapter 13 Trustee
310 Plymouth Building
12 South Sixth Street
Minneapolis, MN 55402
(612) 338-7591

VERIFICATION

I, Margaret H. Culp, employed by Jasmine Z. Keller, Chapter 13 Trustee, declare under penalty of perjury that the factual matters attested to in the foregoing are true and correct, to the best of my knowledge, information and belief.

Dated: September 13, 2004

/e/ Margaret H. Culp
Margaret H. Culp, # 180609

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UNSWORN DECLARATION FOR PROOF OF SERVICE

I, Margaret H. Culp, employed by Jasmine Z. Keller, Chapter 13 Trustee, declare that on September 13, 2004, I served Trustee's Response to Fee Application by Attorney for Debtor(s) on the individual(s) listed below, in the manner described:

By electronic means:

United States Trustee
612-664-5516

Timothy C. Theisen, Esq.
763-421-9248

By first class U.S. mail, postage prepaid:

Timothy C. Theisen, Esq.
229 Jackson Street, Suite 105
Anoka, MN 55303

Teresa R. Stephens, Esq.
McCalla, Raymer, et al.
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076
Attorneys for Wells Fargo Bank

James J. Jacobs
Lisa R. Jacobs
1551 North Concord Street
South St. Paul, MN 55075

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: September 13, 2004

/e/ Margaret H. Culp